

In the matter of

**Improving Public Safety
Communications in the 800 MHz Band
and Consolidating the 900 MHz
Industrial/Land Transportation
and Business Pool Channels**

**COMMENTS OF THE
Jones Onslow Electric Membership Corporation**

Jones Onslow Electric Membership Corporation (Jones Onslow EMC) submits comments in the above captioned proceeding¹ to convey our concerns regarding the effects the proposed reallocations of the 800 MHz band described in the NPRM would have on the operations of our electric system.

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operating is to provide electricity to our consumer-owners at the lowest possible cost.

Jones Onslow EMC holds an 800 MHz License utilizing seven tower sites that we use for Mobile Data Communications to dispatch its fleet of close to 100 vehicles. This system was designed to handle the daily business of connecting and reconnecting some 3000 service orders per month for the continuous population movement of the US Marine Corps in the Jacksonville NC area around Camp Lejeune, Camp Geiger, New River Air Station, Camp Johnson and Oak Grove Air Base. The system is also utilized for a smart dispatch system to dispatch the closest electric utility vehicle to power outages in a coastal area of North Carolina that has been devastated by many hurricanes during the past several years.

II. WE SUPPORT THE COMMISSION’S GOAL TO ENSURE THAT PUBLIC SAFETY HAS ADEQUATE SPECTRUM, FREE FROM HARMFUL INTERFERENCE, AND URGE THE COMMISSION ALSO TO CONSIDER THE NEEDS OF ELECTRIC COOPERATIVES, WHICH ARE PART OF THE NATION’S CRITICAL INFRASTRUCTURE PROVIDING ESSENTIAL SERVICES TO CONSUMERS.

We fully support the Commission in seeking to ensure that public safety units have adequate spectrum that is free from harmful interference. Our cooperative, like other critical infrastructure providers, often works closely with local public safety systems. In storms and other natural disasters and emergencies, we are among the “first responders.” We make sure that electric power is maintained or quickly restored so that police, fire and rescue can get their jobs done. We get traffic signals up and running. We keep the lights on in emergency shelters and medical care facilities. Without the

necessary radio spectrum to operate our communications systems, we cannot do our job, nor can we help public safety units do theirs. Jones-Onslow EMC is the sole electric service provider for these rural and coastal areas of NC and starting with the hurricanes of 1996 Bertha, Fran and to Hurricane Floyd in 1999 we have had to completely renovate our electrical systems because of the total devastation caused by coastal storms. Our local emergency management systems have had to do this same renovation; Our then new 800 MHz system has been a part of that renovation. During this time, we have assisted the emergency services of this coastal area working in tandem to replace the infrastructure in this coastal area. Because of the new set of six tower we installed for our 800 MHz mobile data system, we were able to provide new tower space for the emergency management services , police, fire, and rescue operations. We have also, in conjunction with the NC Highway Patrol, provided tower space for their statewide mobile data system of law enforcement information system at no cost.

The Jones-Onslow EMC 800 MHz mobile data system has been designed and is utilized to allow for faster response times to hazards to life and property. It provides for greater security of normal operational information while keeping track of all emergency related vehicles for smarter dispatch. We started the system in 1999 and completed it in 2001. We are expanding its responsibilities daily as each new emergency arises we have found benefit to our response to our public responsibilities of safety and security.

III. THE COMMISSION SHOULD REJECT THE NEXTEL REALLOCATION PROPOSAL BECAUSE IT WOULD IMPOSE UNREASONABLE COSTS ON OUR SYSTEM, WOULD BE SERIOUSLY DISRUPTIVE, AND MAY NOT EFFECTIVELY ADDRESS PUBLIC SAFETY INTERFERENCE.

Under Nextel's proposal, we would be forced to move to either the 700 or 900

MHz bands. As will be discussed below, Nextel's "alternative" to allow incumbent 800 MHz licensees to remain on the band on a "secondary, non-interference" basis is not feasible for us as a provider of electricity, an essential service. We have just spent in the last two years over \$2,000,000 on our Mobile data system and currently spending \$20,000 the last couple of months expanding the uses of that system. We have a team of software designers and programmers writing applications to utilize this system more effectively and for new safety and business matters. To stop and go back Three years with the costs associated with replacing your system's communications equipment, man hours, other costs in terms of disruption during the transition and start over with this large of a project, could be as devastating as the hurricanes of 1996. Our current design of the system was not designed to operate on 700 or 900 MHz and therefore, a total change-out of equipment would be necessary.

Operating on a secondary, non-interference basis within the 800 MHz band, as Nextel suggests as an alternative, is not an option for us. As the Commission itself noted in the NPRM, "it would not appear advisable to require a station associated with the restoration of electrical power service to precipitously discontinue service."² We operate a private, wireless communications network because we need a very high level of reliability, that is, we need a communications system that is always operating. That's because we provide an essential service —electricity— that must be provided as continuously as possible or consumers go without light, or heat, or the power to run equipment and appliances. And, in times of storms and other emergencies, our reliance on our communications system is perhaps at its greatest. This is also the time when

² NPRM at ¶ 34.

police, fire and rescue squads would need the spectrum. Obviously, a secondary status to remain in the 800 MHz band is not a workable alternative for us.

IV. NEXTEL’S PROPOSAL WOULD NOT BENEFIT OUR COMMUNITY BECAUSE PUBLIC SAFETY IS NOT EXPERIENCING ANY INTERFERENCE FROM OUR OPERATIONS, AND OUR LOCAL CONSUMERS SHOULD NOT BE ASKED TO PAY TO SOLVE A PROBLEM THEY DID NOT CREATE.

We currently have an excellent track record of working with the local and state public safety units – that is, no interference with each others systems. We are sharing tower space as mentioned earlier and we utilize the same contract technical staff to maintain the infrastructure of both our systems. The same populations of voting citizens they serve are the same as our voting owning membership.

The Commission must understand that as a not-for-profit electric cooperative, all the costs associated with moving to another spectrum ultimately falls to the consumer at the end of the line. We cannot simply reduce our profits or shareholder dividend checks to cover this new and unexpected expense as an investor-owned company might. All of Jones Onslow EMC operating expenses are covered in our consumers’ electric bills. The costs associated with implementing Nextel’s proposal might be easier for our consumers to accept if there was some benefit to our community. This 800 MHz mobile data system is new and expanding to Jones-Onslow EMC, most of the equipment is even still under original factory warranty. We had planned for this system to be the reliable platform of communications for us far into the future. Our 800 MHz mobile data system is not creating interference to public safety and we make every effort to keep it from ever allowing our system to experience or cause interference.

V. WE URGE THE COMMISSION TO CONSIDER OTHER ALTERNATIVES THAT MORE EFFICIENTLY AND EFFECTIVELY ADDRESS THE INTERFERENCE PROBLEMS WHILE MINIMIZING THE BURDEN ON THE INCUMBENT 800 MHZ LICENSEES SUCH AS OUR SYSTEM.

The NAM/MRFAC alternative proposal discussed in the NPRM would allow our system to remain in the 800 MHz band. While retuning of our system may be necessary, we estimate that such retuning would cost \$15,000 and take 100 man-hours to implement. Therefore, this proposal would place less of a financial burden on Jones-Onslow EMC and our consumers. However, we urge the Commission to investigate other alternatives, including those short of reallocation as well. We understand that others have looked at the public safety interference problem and believe both its root causes and possible solutions are different than what Nextel proposes. Because we are not currently a source of interference, nor are we experiencing harmful interference on our system at this time, we urge the Commission to not use a sledgehammer to kill a fly. If more targeted, technological or market-oriented alternatives will alleviate the interference in those areas of the country where it exists, then it is not necessary to subject all other, non-interfering 800 MHz spectrum users to a costly and disruptive relocation.

Jones-Onslow EMC is pleased to see that the Commission is seeking input on the issue of who should be entitled to reimbursement if required to move to other spectrum. As we stated above, we do not believe it is fair to make our consumers pay to solve a problem that their electric cooperative did not cause. If Jones Onslow EMC is required to relocate or to retune, we believe we should be reimbursed for those expenses. Further, we have serious concerns about whether there will be sufficient replacement spectrum on

the other bands to accommodate all the displaced users, how that spectrum will be made available and when, and whether the spectrum and the equipment available for use in that band can support our current mission-critical applications and our future plans to expand/upgrade the system or support high-speed data transfers.

VII. CONCLUSION

We ask that the Commission in seeking to remedy interference to public safety not unnecessarily disrupt Jones Onslow EMC's provision of an essential consumer service. If the Commission determines that a reallocation of the 800 MHz spectrum band is necessary, then fair compensation must be made to us to fully cover the costs of relocating or retuning. We therefore urge the Commission to reject Nextel's proposal and to consider, after further study, other alternatives that will more efficiently and effectively address the causes of public safety signal interference. We applaud the Commission for seeking to remedy this significant problem while minimizing the disruption and costs to incumbent 800 MHz users. To that end, we request that the Commission consider the essential services being provided by Jones Onslow EMC, the fact that we are a not-for-profit organization as it considers the impacts of any reallocation proposal on current 800 MHz users. If Jones Onslow EMC is required to move to another spectrum, it must be of comparable quality, technically capable of supporting our current and future communications functions, and available. Further, our costs to move to another spectrum band or to retune our equipment should be fully reimbursed. Our electric consumers should not have to pay higher electric bills to cover the costs of replacing communications equipment that is not obsolete or worn out, nor should they be forced to

pay to resolve a problem that we did not create and are not experiencing in our community. The Commission could use a sledgehammer to kill a fly, but should it? We think not.

Respectfully submitted,

Jones-Onslow EMC

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